

SUBJECT: MAJOR STRUCTURES SPANNING PUBLIC RIGHTS OF WAY
POLICY NO.: 600-16
EFFECTIVE DATE: March 27, 1975

BACKGROUND:

Two major structures have been completed over public rights of way in the downtown area. These were the County Courthouse over Second and Third Avenues and the Federal Office Building over "E" Street and Front Street. Although these particular projects serve a governmental function, there may be requests in the future for similar type developments by the private sector.

Structures over public rights of way are extremely unique but can provide an alternative to street closings where the land area required for a development is in excess of that available within a City block. In view of this, a Policy is needed to establish the process for early Council consideration and the general criteria for such development.

PURPOSE:

To establish a policy for the review and consideration of private or public proposals for major structures spanning public rights of way.

POLICY:

It is the policy of the City Council to review each project which proposes to span the public right of way based on its individual merits and at the conceptual stage of the projects development. Council review shall consider information provided by all appropriate reviewing City departments.

Due to the significant and unique nature of this type of development and the difficulty of regulating it without dictating its design, only general criteria is set forth in this policy. It should be emphasized that the fact that the project may meet this criteria will not assure its approval.

The general criteria is:

- 1) Structures over streets will be permitted only upon demonstration that the encroaching structure will be compatible with an overall plan. Elements of the plan will consider the maintenance of an open atmosphere within the immediate area, preservation of scenic vistas, and the uses to which the encroaching structure is put. No encroachment structures will be permitted over right of way intersections.
- 2) When encroaching structures are approved, public easement will be obtained to increase the open space area of the encroached right of way. Such easements shall be for pedestrian use and will be appropriately designed and landscaped. They will be maintained by the owner or management of the project.
- 3) Adequate clearances will be maintained between the bottom of the structure and the roadway to provide safe passage of vehicles (normally 25 feet) and to maximize the open space qualities of the project.

- 4) Ownership or complete control of the full block frontages on both sides of the spanned right of way and at least half of the block depth on each side should be a pre-requisite to approval of the encroaching structure.
- 5) Architectural treatment of the encroaching structure shall be compatible with the adjacent areas. No signs, logos, or other advertising shall be displayed on the encroaching structure.

Following Council review and approval of the proposed encroaching structure, the developer shall work with staff during the development of detailed plans to prepare a final agreement to safeguard the City's interests and provide for the maintenance of the structures over the right of way. No work shall commence on the encroaching structure until the encroachment agreement is approved by Council and recorded in the County Recorder's Office.

HISTORY:

Adopted by Resolution R-170434 04/19/1962

Amended by Resolution R-212864 03/27/1975